

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case Nos. **05-CR-231**
10-C-984

ORBRA McMURTRY,

Defendant-Movant.

DECISION AND ORDER

Orbra McMurtry's motion under Section 2255 is untimely by almost four years, assuming that the limitation period runs, as it normally does, from the "date on which the judgment of conviction becomes final." 28 U.S.C. § 2255(f)(1). To the extent that equitable tolling could arguably apply, McMurtry's lengthy delay in finally filing this action strongly suggests that he was not diligently pursuing his rights. *Williams v. Buss*, 538 F.3d 683, 685 (7th Cir. 2008).

Therefore, McMurtry's motion is **DISMISSED**. The Court will not issue a certificate of appealability. Rule 11(a), Rules Governing Section 2255 Cases. The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 14th day of February, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge